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United States Bankruptcy Court
District of Massachusetts

CHAPTER 13 PLAN

Filing Date: _____	Docket #: 14-10455-JNF
Debtor: Freni, Santo T	Co-Debtor: _____
SS#: 6386	SS#: _____
Address: 64 Uptack Road	Address: _____
Groveland, MA 01834	_____
_____	_____

Debtor's Counsel:

Smeloff & Benner
100 Grossman Drive, Suite 305
Braintree, MA 02184

(781) 843-2323
(781) 843-2324

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

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Docket#: **14-10455-JNF**

DEBTORS: (H) **Freni, Santo T** SS# **6386**
 (W) _____ SS# _____

I. PLAN PAYMENT AND TERM:

Debtor(s) shall pay monthly to the Trustee the sum of \$ **2,019.00** for the term of:

- ☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);
☒ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);
☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:
☐ _____ Months. The Debtor states as reasons therefore:

II. SECURED CLAIMS:

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
Nationstar Mortgage LI	Mortgage 64 Uptack RoadGroveland, MA 01834	9,000.00
Total of secured claims to be paid through the Plan: \$		9,000.00

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
Nationstar Mortgage LI	Mortgage 64 Uptack RoadGroveland, MA 01834

C. Modifications of Secured Claims:

Creditor	Details of Modification (Additional details may be attached)	Amt. of Claim to Be Paid Through Plan
None		

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of:
None
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of :
None
- iii. The arrears under the lease to be paid under the plan are _____.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
Darlene Mallen	Child Support	18,450.00

B. Other:

Creditor	Description of Claim	Amount of Claim
Internal Revenue Service	2010 and 2012 Taxes	20,109.00
MDOR	2012 Taxes	36,828.00
Town Of Peabody	Excise taxes	2,436.00

Town of Groveland

Excise taxes

14,674.00

Total of Priority Claims to Be Paid Through the Plan: \$ 92,497.00

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ 500.00.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 2.81% of their claims.*A. General unsecured claims: \$ 93,003.29

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
Nationstar Mortgage LI	Second Mortgage64 Uptack RoadGroveland, M	157,191.00

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
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Total of A + B + C unsecured claims: \$ 250,194.29D. Multiply total by percentage: \$ 7,029.00.

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
None		

Total amount of separately classified claims payable at 100%: \$ 0.00

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan:

B. Miscellaneous provisions:

*****NATIONSTAR MORTGAGE (NM) is wholly unsecured and shall be paid in accordance with the unsecured claims in the plan.**

The Debtor's residence located 64 Uptack Road, Groveland, MA 01834 has a present value of \$592,000. The Debtor's residence is subject to a first mortgage to Nationstar Mortgage. The balance due to Nationstar Mortgage as of the date of the filing of the petition for relief was \$600,285. NM is the holder of a second mortgage. The amount due to NM at the time of the filing of the petition for relief was \$157,191.

Pursuant to 11 USC 1322(b)(2) this plan provides to modify the claim due NM and treat such claim as an unsecured claim in its entirety.

The Order of Discharge to be entered in this case under 11 USC 1328(a) shall constitute a discharge of the mortgage held by NM and described hereinabove.

*This is a "pot plan". The payments made hereunder are constant. The stated dividend is only an estimate. If the amount of allowed unsecured claims differs from the amount in Part V, the percentage dividend shall be automatically adjusted to accommodate the difference.

VII. CALCULATION OF PLAN PAYMENT:

a. Secured claims (Section I-A Total):	\$	9,000.00
b. Priority claims (Section II-A & B Total):	\$	92,497.00
c. Administrative claims (Section III-A & B Total):	\$	500.00
d. Regular unsecured claims (Section IV-D Total): +	\$	7,029.00
e. Separately classified unsecured claims:	\$	0.00
f. Total of a + b + c + d + e above:	\$	109,026.00
g. Divide (f) by .90 for total including Trustee's fee: Cost of Plan:	\$	121,140.00
(This represents the total amount to be paid into the Chapter 13 Plan)		
h. Divide (g) Cost of Plan by Term of Plan: 60 months		
i. Round up to nearest dollar: Monthly Plan Payment:	\$	2,019.00
(Enter this amount on Page 1)		

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
64 Uptack Road	592,000.00	757,476.00
Total Net Equity for Real Property:	\$	0.00
Less Total Exemptions (Schedule C):	\$	0.00
Available Chapter 7:	\$	0.00

B. Automobile

Describe year, make and model	Value	Lien	Exemption
None			
Total Net Equity:	\$		0.00
Less Total Exemptions (Schedule C):	\$		0.00
Available Chapter 7:	\$		0.00

C. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Total Net Value:	\$	36,581.00
Less Exemptions (Schedule C):	\$	29,587.00
Available Chapter 7:	\$	6,994.00

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ **6,994.00**.

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Richard D. Smeloff
Debtor's Counsel

February 24, 2014
Date

Attorney's Address:
Smeloff & Benner
100 Grossman Drive, Suite 305
Braintree, MA 02184

Tel. # **(781) 843-2323**

Email Address: **rsmeloff@smeloffandbenner.com**

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

/s/ Santo T Freni

Debtor

February 24, 2014

Date

Debtor

February 24, 2014

Date

CERTIFICATE OF SERVICE

I, Richard D. Smeloff, Esq., hereby certify that I have served a copy first class mail, postage pre paid of the within Chapter 13 Plan to the attached distribution service list.

/s/ Richard D. Smeloff, Esq.

Richard D. Smeloff, Esq.

Bmw Financial Services
5515 Parkcenter Cir
Dublin, OH 43017

Cap One
Po Box 85520
Richmond, VA 23285

Citi
701 E 60th St B
Sioux Falls, SD 57104

Credit One Bank Na
Po Box 98875
Las Vegas, NV 89193

Darlene Mallen
156 Grinnell Street
New Bedford, MA 02740

Internal Revenue Service
P.O Box 7346
Philadelphia, PA 19101-7346

MDOR
P.O Box 7003
Boston, MA 02204

MDOR
Child Support Enforcement
P.O Box 9561
Boston, MA 02114

Merrick Bank
Po Box 9201
Old Bethpage, NY 11804

Nationstar Mortgage L1
350 Highland Dr
Lewisville, TX 75067

Springleaf
Po Box 64
Evansville, IN 47701

St Marys Bank
200 Bedford St
Manchester, NH 03105

Town of Groveland
Office Of The Collector Of Taxes
183 Main Street
Groveland, MA 01834

Town Of Peabody
Collector Of Taxes
24 Lowell Street
Peabody, MA 01960

Webbank/dfs
1 Dell Way
Round Rock, TX 78682